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U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
STAR AUTO SALES OF QUEENS LLC, : 19-cv-06791-RPK-ST
Plaintiff, :
 :
- versus - : U.S. Courthouse
 : Central Islip, New York
 :
 :
ISKANDER, et al., : December 4, 2020
Defendants : 3:30 PM
-----X

TRANSCRIPT OF CIVIL CAUSE FOR TELEPHONE CONFERENCE
BEFORE THE HONORABLE STEVEN TISCIONE
UNITED STATES MAGISTRATE JUDGE

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1 THE COURT: Star Auto Sales of Queens v.
2 Iskander, et al.

3 Counsel, please state your appearances for the
4 record.

5 MR. ALEXANDER: John Alexander.

6 MR. FELSEN: Jamie Felsen and Jeremy Koufakis
7 for the plaintiffs.

8 THE COURT: All right. And you said John
9 Alexander?

10 MR. ALEXANDER: Yes.

11 THE COURT: That's -- sorry, that's the same --
12 you're listed in the indictment as Hanie Iskander. Is it
13 Alexander? Is that how we should refer to you, Mr.
14 Alexander?

15 MR. ALEXANDER: I'm sorry, say it again.

16 THE COURT: The complaint lists your name as
17 Hanie Iskander. Is John Alexander --

18 MR. ALEXANDER: Yeah, this is my previous name
19 before I get American citizen. So I changed my name, but
20 I called, when I get my American citizen, John Alexander
21 is my name.

22 THE COURT: Okay. Okay. Fair enough. So I'm
23 looking through this motion to compel and there's a large
24 category of things that they're asking for and some of it
25 -- it sounds like you are claiming you don't have. I'm

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1 just trying to see what's actually outstanding and what
2 don't you have. You want a copy of the driver's license,
3 is that what about?

4 MR. FELSEN: Yes, your Honor. He's got on --
5 there's been various names he's used and we want to know
6 what name is on his driver's license.

7 MR. ALEXANDER: With all respect, Judge, those
8 -- those guys have -- have everything about me. They
9 send their private investigator here and their file has
10 all my documents, all my I.D. card, all my -- my -- even
11 court records from here, from Florida and they have also
12 go around town asking about me, all they can and they
13 made me sign a consent that I have nothing to do with
14 this and I have given them all the information they
15 needed and they also propose to me that they wanted only
16 to get Douglas in trouble by having me answer some
17 question. I refused that.

18 And the thing is that they not honest about
19 what they want and I have nothing to do with Star Subaru
20 at all and also they keep changing their question all the
21 time and even last time, he asked me a copy of things he
22 give me, like a copy of a bank statement that's not
23 related to me, money they paid for Douglas, not for me.

24 So the thing is they -- they confused with
25 their own person, I'm sure. That's all. I -- I've only

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1 done business and I repeat this with (indiscernible)
2 Plaza as sports -- Motorsports advertising and I never
3 deal directly with Star Subaru.

4 He asked me to design a piece of mailer, I
5 design it and I send it to mail, that's all that I do,
6 nothing else.

7 MR. FELSEN: Your Honor, this is just a repeat
8 of the last conference we had before you. You know, we
9 have the right to engage in discovery. We conducted a
10 deposition last time we were before you. We told you
11 that we asked for certain things at the deposition and he
12 hadn't produced it. You directed him to respond to our
13 requests and now we had to come back to you because he
14 didn't sufficiently respond.

15 You know, his defense really has nothing to do
16 with his obligation to engage in discovery.

17 MR. ALEXANDER: No, sir, that's not correct.
18 The judge have instructed you get all the information
19 from the internet last time. When you asked for thing,
20 because you can get it from the internet, like the
21 website or so on. Website is not a document, website is
22 advertising. So you feel free to get that information.

23 You went to hack my account. You get my back
24 statement. You went to also the Court to get all the
25 document about me. I have all my driver's license copy

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1 with your private investigator to take -- pounding on my
2 door with no rights and I let them in as a polite person.
3 I could -- I could not refuse to speak to him but I did
4 deal with them because I have no idea I have done
5 anything wrong.

6 I only dealt with Douglas as a vendor. So I
7 think you just -- you are wasting my time and your time
8 by hitting on the wrong person and I hope you -- that you
9 appreciate that I'm responding you politely all the time
10 and I'm giving you information.

11 There are things that I don't have time to do
12 because it's not related to me and all the documents you
13 asked me for, I have no idea about it. I give us all
14 this information and I have no copy of it. I end my
15 business 2017 and I have (indiscernible) transfer back --
16 back history. All the history are with Douglas,
17 delivered to the person we done business with immediately
18 when he asked for, all invoices he has.

19 So you should go back to Douglas, which is he
20 worked for the company and do that and ask for this.
21 You're asking the wrong person.

22 THE COURT: All right. So let's just go step-
23 by-step through these. Your driver's license, you can
24 give them, just give them a copy of your driver's
25 license.

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1 The document you are reviewing bearing your
2 deposition that has New Visions Advertising clients?

3 MR. ALEXANDER: What document?

4 MR. FELSEN: Yes. So your Honor, we did a
5 deposition via Zoom and Mr. Alexander was referring to
6 some document that he had in front of him.

7 MR. KOUFAKIS: Holding it.

8 MR. FELSEN: He was holding it on the screen
9 and we simply -- and he was reading off purported clients
10 of his, the names of them and we would like a copy of
11 that document that he was referring to through the --
12 during the deposition.

13 MR. ALEXANDER: These are on the website, what
14 you're asking -- these are all -- everything that you
15 show is on the website which is you have went through to
16 have a -- and you have a copy of each page. So you're
17 asking for things you already have. I don't know what --
18 what's going on. You're asking for things you already
19 have. You're asking for my -- my accounts, my history
20 and it's already on the website. I never even erased it,
21 although I'm -- I'm not in business because I'm keeping
22 the email.

23 So I think your question irritated me because
24 you're asking for things, just waste time. You already
25 have those documents. Everything you asked, you have it,

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1 even your company of my I.D., you have it. Your private
2 investigator has it in their file and have all my court
3 history, also.

4 THE COURT: Just if you had a document you were
5 reviewing during the deposition, just give him a copy of
6 it, they're entitled to it.

7 What's the -- you need tax returns for the
8 company, what for?

9 MR. FELSEN: So several reasons. I mean, first
10 of all, the claims are for fraud and conversion, so we
11 believe the tax returns are irrelevant under those
12 circumstances. We believe that the business he was
13 operating was a sham. We'd like to see what type of
14 income and expenses he was reporting.

15 MR. ALEXANDER: Please, have respect. I
16 (indiscernible) business a sham.

17 MR. FELSEN: It was --

18 MR. ALEXANDER: I mean it was --

19 MR. FELSEN: Tax returns are statements made
20 under oath. We want to be able to use it to attack his
21 credibility, to the extent that he made false
22 representations on it. We also want to know what income
23 he was making to see how he was living.

24 MR. ALEXANDER: What is this related -- what is
25 this related to your case? You investigated my private

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1 life. What does it have to do with your case? You go to
2 the IRS, you find I file taxes all the time. I'm not
3 going to give you something you already have. This is a
4 public record. I mean, what does it have to do with
5 somebody in your company have stole your money, not me.

6 All the document you show me on the deposition,
7 it looks like your employee have stole you, not me. I
8 work for Star Subaru, never. I work for the -- the
9 Motorsports, which is presented by Douglas. I have no
10 idea then what he is doing. He shows me that he has
11 three four address in New Jersey. He even mail -- you
12 mailed him a check on my address for Star Subaru -- for
13 Motorsports never been in Florida.

14 So the scam coming from your side, not from me.
15 So don't ever call my business a sham because it looks
16 like you have no idea what you're doing and you keep just
17 hitting the wrong person. You show me a document that
18 (indiscernible) writing a checks from Star Subaru to
19 Motorsports in 1751 Mott Street (ph.) which has never
20 been there.

21 So all the document you show me is a scam on
22 your side, not my side. I have no right to call it a
23 scam but that's how it looks like.

24 And as far as I know from newspaper, you have
25 many, many scam in the company and he's suing a lot of

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1 people and all the clients are suing you back as well for
2 bad service, myself, for a mailing. I know that many
3 customers have called with the bad service.

4 So the thing is your company you're presenting
5 has a problem in management, not -- not my side, so don't
6 give it to me. I (indiscernible) piece of direct mail,
7 that's all, a very stupid small thing. That's all I've
8 done. I've never done commercial for them. I just
9 produce a 15-minute commercial production on not airing.
10 You keep asking me about the never been aired. I don't
11 know if it's aired or not, it's not job. It's your
12 company's job to air it or not. I'm not a TV channel.

13 So it looks like you have a lack of information
14 about the whole business and you keep just hitting me the
15 wrong way. That's what irritates me. He has -- you've
16 very ignorant with the whole business thing and he keep
17 calling different things around and with all respect,
18 that's irritating and wasting my time.

19 THE COURT: All right. Let's try and stay on
20 topic. I just want to get through this. I have a
21 million other things to do, so let's not waste the
22 Court's time.

23 Do you have tax records for the business or can
24 you just do the form?

25 MR. ALEXANDER: I don't have anything and the -

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1 - the tax was filed and it is available on the IRS
2 through Michael Shoey (ph.). The first thing I said,
3 Michael Shoey says no lawyer -- no accountant -- Michael
4 Shoey died the late 2017, early 2017, from cancer and I
5 couldn't get even my last return from him. Last I filed
6 was 2016. That's the last thing I did.

7 THE COURT: So do the form and then they can
8 ask directly and they don't have to get it from you for
9 the business.

10 MR. ALEXANDER: Well, have them do it, sir,
11 with all respect. Have them just to look at my -- my
12 records in the IRS, that's all. It's not going to help
13 them for anything. I file taxes all the time even until
14 now but it has nothing to do with him. It's just like he
15 has no right to ask me for private thing. He want to get
16 it, get it. He get it himself. He asked my account. He
17 went -- he sent a private investigator all over the City
18 asking me and they came to me and tell me, we ask every
19 account of yours and nobody has to say anything bad about
20 you and this is what happened and they asked me even all
21 what we have here to do is just to get Doug Filardo in
22 trouble because he stole the company and (indiscernible).
23 And he showed me that he has a hairdresser as his
24 address. He has many other (indiscernible) --

25 THE COURT: I don't care. Stop going off

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1 topic. I don't want to hear this again. You just keep
2 going over the same stuff over and over and over again.

3 I understand your defense but that's not what
4 the purpose of this conference is. We have to deal with
5 these discovery requests. Either you have the documents
6 or you don't.

7 MR. ALEXANDER: I don't have, sir.

8 THE COURT: If you don't have it --

9 MR. ALEXANDER: I don't have it.

10 THE COURT: -- fill out the form and they can
11 go find out from the IRS if they can get them.

12 MR. ALEXANDER: Okay.

13 THE COURT: Who is Nagua Youseff (ph.)?

14 MR. ALEXANDER: This is my wife and she has
15 nothing to do with the business. She never been in the
16 office.

17 THE COURT: Why do you need her records?

18 MR. FELSEN: Your Honor, that's -- the website,
19 until it was deleted recently, listed her as an executive
20 of the business.

21 THE COURT: I don't care. Do you have any
22 evidence that she's involved whatsoever in this claim,
23 the allegations in this case?

24 MR. FELSEN: She's the spouse of this --

25 THE COURT: That's not evidence that she's

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1 involved. Do you have any evidence whatsoever that she's
2 involved in any of the claims underlying this case?

3 MR. FELSEN: She is an executive of the
4 business. It's a -- it's a small business. I mean,
5 there's only a few employees listed on the website and
6 she's listed as one of the executives and she's a
7 defendant in the case.

8 MR. ALEXANDER: Sir, this is -- I put her name
9 once because she was involved in a TV show as a producer,
10 that's all.

11 THE COURT: The fact that she is a defendant in
12 a case and listed as an officer, doesn't entitle you to
13 tax records. What, if any, evidence do you have of her
14 direct involvement in anything related to this case?

15 MR. FELSEN: Well, like I said, she's listed as
16 an executive. We're going to be deposing her.

17 THE COURT: Well, if you depose her and get
18 some information that she's actually involved in
19 something, then maybe I'll give you her tax records but
20 otherwise, I think you're stretching.

21 If all you can point to is the fact that she's
22 an executive, that's not enough.

23 Why do you need his insurance stuff? This is
24 what he's doing now, correct?

25 MR. FELSEN: Well, before we get into that,

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1 your Honor, there was just some other -- right underneath
2 number 10, 17 is asking for bank account number for his
3 wife and then 23 asks for documents regarding her
4 position as the executive producer with the company.

5 THE COURT: What do you mean by all -- what
6 documents?

7 MR. FELSEN: I am sorry, your Honor?

8 THE COURT: What does that mean, all documents?
9 What are you actually looking for?

10 MR. FELSEN: Any documents that confirm that
11 she was the executive producer other than her being
12 listed on the website.

13 THE COURT: Personnel records or some kind of
14 company records? Is this a corporation or just a --

15 MR. ALEXANDER: This is a --

16 THE COURT: -- d/b/a?

17 MR. ALEXANDER: This is DL -- LLDM (ph.), sir.
18 Nagua never been involved in the company, never been
19 involved anywhere, so I don't know where he got this
20 from. I said only put your name on the company -- as an
21 advertising once because she did work in producing a TV
22 show in Tampa, that's all.

23 THE COURT: So she was listed on the website as
24 an executive producer.

25 MR. ALEXANDER: This is not a listing, this is

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1 for awhile when she was just involved in giving an
2 opinion about TV production was in Tampa, TV commercials
3 in Tampa because she used to work Japanese TV in the back
4 as a producer.

5 THE COURT: Uh-hum.

6 MR. FELSEN: So your Honor, we --

7 MR. ALEXANDER: That's all but she -- she has
8 nothing -- she works as real estate person. She's never
9 been involved with anything with that.

10 MR. FELSEN: Your Honor, I mean, we're not
11 required to just take Mr. Alexander's word for it. She
12 was listed as the executive producer on the website and
13 then when we found that out, he removed it from the
14 website.

15 THE COURT: Uh-hum.

16 MR. ALEXANDER: Let me ask you a question.
17 What is -- what business I did with Star Subaru? Have I
18 done any business with Star Subaru? I never done
19 business with Star Subaru.

20 THE COURT: Stop going on --

21 MR. ALEXANDER: The whole -- the whole --

22 THE COURT: Stop going over the same stuff.
23 I've heard that about 15 times since this call started.
24 I don't want to hear it again.

25 MR. ALEXANDER: I'm sorry.

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1 THE COURT: You ran a business. There's
2 business records. Produce what you have regarding the
3 positions of the people in the business. If your wife
4 had an executive position in the business, then produce
5 whatever records you have that show that, although I
6 really think you need to be more specific because I don't
7 even understand what that means, all documents. It could
8 be anything. Are you looking at personnel records? Are
9 you looking at corporate, you know -- I don't know.
10 You've got to be more specific, especially for a pro se,
11 he doesn't really know what he's looking for.

12 MR. FELSEN: Okay. We'll modify that.

13 THE COURT: And why do you need his current
14 licenses for insurance? What does that have to do with
15 anything?

16 MR. FELSEN: You know, he testified he was in
17 this industry -- the advertising industry for all these
18 years and then all of the sudden, he became licensed to
19 sell insurance. So we would like to --

20 THE COURT: Okay.

21 MR. FELSEN: -- find out if that's accurate.

22 THE COURT: Why does that matter? Now you're
23 just going off the deep end.

24 MR. FELSEN: I mean it goes to his credibility.
25 He testified under oath that he's in the insurance

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1 industry now.

2 THE COURT: And do you have any reason to
3 disbelieve that? Why would it go to his credibility that
4 he's in insurance now.

5 MR. FELSEN: He testified he's a licensed
6 insurance person. If he's not licensed, then that's a
7 lie under oath that we should be able to use against him.

8 THE COURT: Okay. But what indication -- I
9 don't understand where this is coming from. Just because
10 he said it, it must be a lie?

11 MR. FELSEN: Well, there's significant
12 allegations against him that he was involved in this
13 fraudulent scheme.

14 THE COURT: You keep saying that and honestly,
15 I haven't seen anything. All you keep saying is that
16 he's involved but I haven't seen a single thing that he's
17 pointed to that shows me that he's involved other than
18 doing this advertising for your employee.

19 I mean, I'm sure there's something but you
20 haven't really articulated it and the fact that he said
21 that he's in insurance now and you want to prove that he
22 lied about it, I mean, that's not really a sufficient
23 basis for asking for this stuff, unless you've got some
24 reason to think it's not because otherwise, it's
25 completely far afield of the issues in this case.

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1 So give me some reason to think that this is a
2 lie and maybe I'll let you get into that stuff but as it
3 stands now, it's just completely irrelevant and I want to
4 get this case actually wrapped up.

5 MR. FELSEN: Okay.

6 THE COURT: Get some relevant stuff now. Two
7 office employees that worked on Star Subaru. These are
8 former employees of New Vision?

9 MR. FELSEN: Yes, Mr. Alexander testified that
10 these two individuals worked on this Star Subaru account.
11 So we would like to be able to depose them, so we need
12 their contact information.

13 THE COURT: Can you provide whatever
14 information you have on these people, their names, phone
15 numbers, addresses, whatever?

16 MR. ALEXANDER: I have no record for them.
17 These are snow birds. They come work for three, four
18 months and they leave. We have recycled many people in
19 the office because Florida, that's how it is. There's
20 too many people come and goes.

21 THE COURT: Do you keep any --

22 MR. ALEXANDER: They work and they go.

23 THE COURT: -- business records of the
24 employees?

25 MR. ALEXANDER: I don't have any business

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1 records at all since I closed the company. I don't have
2 any documents and those people just they create their own
3 contact (audio interference).

4 THE COURT: You said the names and the
5 telephone numbers of the four companies that perform
6 mailings for New Vision Advertising.

7 MR. ALEXANDER: Anita (ph.), this is -- what I
8 remember, she used to work in the circus and then she
9 came, she was a nice person, she worked for a while, then
10 she gone to Virginia or something. I don't know, she
11 went to different state, so I don't keep track of those
12 people at all who worked for me.

13 They work in independent contract, they have no
14 insurance or nothing because the contract we do for them,
15 pays them commission on it.

16 MR. FELSEN: But we're not --

17 THE COURT: Okay.

18 MR. FELSEN: Judge, we're not looking for
19 specific documents but to the extent he has the
20 information, whether it be on his phone or somewhere,
21 it's basically like an interrogatory where we're just
22 asking for him to give us the information, not
23 necessarily business documents.

24 THE COURT: You need to produce any information
25 you have, no matter where, whether it's on a phone

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1 contact or whatever about these employees and the
2 companies that did mailings for New Vision Advertising.
3 If the answer -- you know, if you want to do a sworn
4 answer that says that you don't have anything whatsoever
5 and don't have any of these records, you can do that but
6 -- if that's the truth, but they need a response.

7 MR. ALEXANDER: I don't, your Honor. I respond
8 and my answer is the same answer, I don't have any
9 record. It's true.

10 THE COURT: You don't have any contact
11 information in any capacity for any of these people?

12 MR. ALEXANDER: No, sir. I've been working in
13 insurance, the insurance license on all the states now
14 for three years and this is my focus now.

15 THE COURT: Okay. Cell phone records
16 establishing -- if you want him to get cell phone
17 records, you're going to have to get them from the cell
18 phone company. I don't know how you expect to get it
19 from the defendant.

20 MR. FELSEN: I'm sorry, I missed that.

21 THE COURT: I said if you want to get cell
22 phone records, you're going to have to get that from the
23 cell phone company. I don't know how you're going to get
24 that from the defendant.

25 MR. FELSEN: Yeah, I'm amenable to an

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1 authorization. I just need to know his phone number that
2 he used and the provider.

3 THE COURT: How did you contact Mr. Filardo?
4 Did you give a cell phone that you used? Did you have a
5 cell phone that you used to contact Mr. Filardo?

6 MR. ALEXANDER: I do, yeah.

7 THE COURT: Can you give him the number and
8 tell him the provider?

9 MR. ALEXANDER: He has my number. he called me
10 a few times on my number.

11 THE COURT: No, no, I'm -- the -- you have to
12 give it to the counsel. I know he called their number,
13 that's what they want to get is any records of that.
14 They can't get (indiscernible) --

15 MR. ALEXANDER: They called --

16 MR. FELSEN: -- give their phone --

17 MR. ALEXANDER: -- we used -- we used the
18 office number which is (indiscernible) that's my cell
19 number, 366-3757 and he has that number.

20 MR. FELSEN: Your Honor, I just want to make
21 sure -- I don't know that the phone number I have, is the
22 same one he had back then, so I just want to make sure
23 that he provides me with that information for the period
24 of time that is covered by the allegations in the
25 complaint.

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1 MR. ALEXANDER: We called -- sir, we called
2 Douglas at his -- his office number --

3 THE COURT: Okay.

4 MR. ALEXANDER: -- which is a Star number, is
5 whatever number he has, 718, I don't remember the number.
6 The Star Subaru's main number, this is the number he
7 calls us and like I said before, he instruct me to call
8 him only, not to speak to anybody else in the company and
9 the first invoice was made to his company which is -- he
10 said was Motorsports, he never told me that's his own
11 company.

12 THE COURT: I think they're asking for what
13 number you used to contact him, correct?

14 MR. FELSEN: Yeah, we just want to --

15 MR. ALEXANDER: Yeah.

16 MR. FELSEN: -- know during that period, what
17 number he used when he called Mr. Filardo and who his
18 provider was at that time.

19 MR. ALEXANDER: That Star Subaru number, that's
20 the one --

21 THE COURT: No, no, no.

22 MR. ALEXANDER: -- we called --

23 THE COURT: Your number.

24 MR. ALEXANDER: -- his office number.

25 THE COURT: Okay. But what number did you use?

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1 What phone did you use to talk to him?

2 MR. ALEXANDER: My office number, my office
3 phone --

4 THE COURT: What --

5 MR. ALEXANDER: -- that one.

6 THE COURT: -- (indiscernible) number?

7 MR. ALEXANDER: That's 366-3757.

8 MR. FELSEN: It --

9 MR. ALEXANDER: 941 -- 941-366-3757.

10 MR. FELSEN: Did you get that down, Jeremy?

11 MR. KOUFAKIS: 941-366-3757.

12 MR. FELSEN: Right.

13 THE COURT: And what's the provider or is it a
14 phone --

15 MR. ALEXANDER: That was -- that was -- first
16 was Verizon, then we changing -- we change the provider
17 with Comcast.

18 MR. FELSEN: Was it the same number, even when
19 you changed the --

20 MR. ALEXANDER: Yes. Yes, of course, we had
21 changed provider and keep the number.

22 THE COURT: Bank account number for New
23 Visions' Wells Fargo account. Did New Visions have a
24 Wells Fargo account?

25 MR. ALEXANDER: It has, yeah and he has the

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1 account and he a copy of the business already. he show
2 it to me on the deposition file.

3 MR. FELSEN: Your Honor, we clarified that we
4 meant -- we do have Wells Fargo but Mr. Alexander also
5 testified that they also had a SunTrust Bank account.
6 That's what we meant by 18, we were looking for the bank
7 account number for SunTrust Bank.

8 MR. ALEXANDER: That was like ten years ago and
9 I have no record of it at all. I don't even remember if
10 I have one. I had one, yeah but I don't remember it --
11 anything about it.

12 THE COURT: You don't have any records of any
13 recollection of the SunTrust account number?

14 MR. ALEXANDER: No, Judge, I don't.

15 THE COURT: And how long did you have that?

16 MR. ALEXANDER: I think for just a year or so.

17 THE COURT: When, roughly.

18 MR. ALEXANDER: I don't remember. To be
19 honest, it's -- it's not more than -- it's almost a year
20 or so, that's what I remember. I -- I might be wrong but
21 I'm not sure.

22 THE COURT: You don't have any way of finding
23 out what that old bank account number was?

24 MR. ALEXANDER: I can't. I don't. I don't
25 have any records.

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1 THE COURT: What was the relevant time period
2 in this case, 2000- what?

3 MR. KOUFAKIS: I think from 2008 --

4 MR. FELSEN: 2008 through 2016, I believe.

5 THE COURT: Was this during the same time
6 period that you had that account?

7 MR. ALEXANDER: You're asking me now, that was
8 -- I don't remember but it was like years ago, before
9 Wells Fargo, like I think from '09 or some -- '09 to '10,
10 this period.

11 THE COURT: Was it under the name New Visions?

12 MR. ALEXANDER: I don't remember. I think NV
13 Production. New Visions is a fictitious name of the
14 company for the -- for Florida because NV Production was
15 created in New Jersey. So you have the right to have a
16 fictitious name and you register that name, that's how.

17 THE COURT: That wasn't a name of some other
18 entity?

19 MR. ALEXANDER: No.

20 THE COURT: I don't understand.

21 MR. ALEXANDER: Sorry?

22 THE COURT: Okay. Hold on one second.

23 (Pause)

24 THE COURT: Sorry about that. Okay.

25 Give them whatever information you can about

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1 this account, whatever name it was under, whatever -- the
2 dates as close to -- as you can recall and maybe they can
3 track it down that way, even if they don't have the
4 number.

5 MR. ALEXANDER: If I find that information, I
6 will give it to them.

7 THE COURT: Whatever you remember about the
8 approximate dates of when you had the account --

9 MR. ALEXANDER: Okay.

10 THE COURT: -- the name that it would've been
11 under.

12 MR. ALEXANDER: Sure.

13 THE COURT: Documents related to any lawsuit or
14 criminal proceedings. Were you involved in -- did you
15 ask them about lawsuits in criminal proceedings --

16 MR. FELSEN: Yes.

17 THE COURT: -- previously?

18 MR. FELSEN: He began to testify about it and
19 then he told us about certain things and then he stopped
20 and wouldn't tell us about a conviction that we believe
21 he had involving dishonesty.

22 MR. ALEXANDER: I never have any conviction. I
23 told you that several times and you can look up my
24 records, the public records. When you sign for to be a
25 licensed insurance agent, you can never get a license

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1 unless -- if you have any conviction and you know that,
2 so --

3 MR. FELSEN: We have reason to believe he has a
4 conviction for theft.

5 MR. ALEXANDER: Okay. Maybe because you have a
6 different attitude, so you have that belief, so I forgive
7 you for this.

8 THE COURT: Do you have -- forget about
9 convictions. Were you actually involved in any criminal
10 proceedings?

11 MR. ALEXANDER: No, sir.

12 THE COURT: Of the various (indiscernible) --

13 MR. ALEXANDER: I was arrested and I explained
14 that to him but I never been convicted, so --

15 THE COURT: Were you prosecuted as part of that
16 case?

17 MR. ALEXANDER: I was not prosecuted, no.

18 THE COURT: Did they (indiscernible) --

19 MR. ALEXANDER: (Indiscernible), not ever.

20 THE COURT: In other words, did they charge you
21 with something and then it was --

22 MR. ALEXANDER: Never, sir.

23 THE COURT: -- dismissed?

24 MR. ALEXANDER: And it's in my public records,
25 I have no charge or no conviction.

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1 MR. FELSEN: Your Honor, I believe, if my
2 memory is correct, I believe he testified that he had to
3 hire a criminal attorney. So we would like to have the
4 information for that criminal attorney, so if he's not
5 going to produce it to us, we could subpoena the
6 attorney.

7 THE COURT: Give him the name of the attorney,
8 if not a conviction that's unlike the --

9 MR. ALEXANDER: I never say -- I never say
10 criminal attorney. I never say such a thing. I think
11 you make up those things yourselves. I never say I have
12 a -- a criminal attorney. I don't know where you get
13 this from.

14 THE COURT: Okay. You were arrested.

15 MR. ALEXANDER: Okay.

16 THE COURT: Did you ever hire an attorney in
17 that case?

18 MR. ALEXANDER: Yeah, it was a DUI and I told
19 them that.

20 THE COURT: That's the only criminal matter
21 you've been involved in?

22 MR. ALEXANDER: It was two times, yeah.

23 THE COURT: And that's not what you're looking
24 for, I assume.

25 MR. FELSEN: No, your Honor.

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1 MR. ALEXANDER: One in Florida -- one in New
2 Jersey, one in Florida. It was a long time ago.

3 MR. FELSEN: Your Honor, I believe he was
4 arrested for theft involving Target.

5 MR. ALEXANDER: Uh-hum. I was convicted?

6 THE COURT: You were arrested for some kind of
7 theft at a Target store?

8 MR. ALEXANDER: That was not a theft. That was
9 an argument with the -- with the employee. That was not
10 a theft. That was the police came.

11 THE COURT: Okay.

12 MR. ALEXANDER: It was a case and there was a
13 return of merchandise. So they call it theft or whatever
14 but then I was not convicted because that was not proved
15 anything, I didn't take anything.

16 THE COURT: Okay. So there was a case, you
17 said but it wasn't -- so did you have an attorney in that
18 case?

19 MR. ALEXANDER: Yes.

20 THE COURT: So just give him the name and the
21 number for your attorney in that case and they can see if
22 it's anything that they want to --

23 MR. ALEXANDER: Okay. Okay. With all respect,
24 I mean, he has also the conclusion that was hold -- was -
25 - was held with no conviction, so --

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1 THE COURT: Well, then it's unlikely that
2 they're going to be able to use it at trial or anything
3 but at least give them the name for the attorney and let
4 them find out for themselves exactly what it is.

5 MR. ALEXANDER: Okay.

6 THE COURT: And the last thing is screenshots
7 you took during your deposition. What is this about
8 exactly?

9 MR. FELSEN: So your Honor, during the
10 deposition, he was using his camera, even though I told
11 him not to on his phone, and he was taking pictures of
12 certain documents that we were using during the
13 deposition. So we would like copies of the pictures that
14 he took during the deposition.

15 MR. ALEXANDER: You want a copy of a document
16 you show it to me? I don't believe it.

17 THE COURT: They want to know what you were
18 taking pictures of basically.

19 MR. ALEXANDER: I took pictures of the -- the --
20 -- the people on the -- I didn't know this was legit or
21 not because he just surprised me, so I took a picture of
22 them and I threw it away, of them sitting down. Some
23 people showed themselves, like one of the ladies and
24 himself and the other one was blind picture -- was black,
25 couldn't see who was that and then I took a picture of

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1 the million-dollar-and-change he show me that -- a
2 document that Star Group to Douglas, which I had nothing
3 to do with it.

4 So these are things I never seen before and
5 this is all -- then he said don't take a picture, so I
6 didn't take a picture but although I have the right to
7 take a -- a screenshot of what they -- what they showing
8 me and these are things we have already, so I didn't take
9 a -- a screenshot of something illegal or so.

10 THE COURT: So what pictures you took -- the
11 screenshots that you took? If you have the screen --
12 those pictures, just send him a copy of the pictures that
13 you took.

14 MR. ALEXANDER: It's a screenshot from a
15 document he showed me and then when he said that, I threw
16 them in the trash though.

17 THE COURT: What do you mean in the trash? I
18 thought you took them on your camera phone.

19 MR. ALEXANDER: No, it's not my camera phone.
20 A screenshot, you do it in the computer like you have the
21 -- the computer screen and then you hit the command Alt4
22 and you take a screenshot, that's a screenshot, not a
23 camera phone.

24 THE COURT: Is that what you're talking about?
25 I thought you were talking about a -- are you talking

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1 about taking screenshots on the computer during the
2 deposition? Is that what you were looking for, counsel?

3 MR. FELSEN: I thought it was -- he was using
4 his phone to take pictures during the deposition.

5 MR. ALEXANDER: No, I did not.

6 MR. KOUFAKIS: I'll have to look.

7 MR. FELSEN: It was video graph. His
8 deposition was videotaped, so we can review the videotape
9 and have that confirmed.

10 THE COURT: Okay.

11 MR. ALEXANDER: But what does this have to do
12 -- with all respect, what it has to do with anything?
13 Because this is just weird for me to know it, just --

14 THE COURT: Look, if you took pictures with
15 your phone, give him the pictures. If you took
16 screenshots, give him the screenshots.

17 MR. ALEXANDER: I didn't take a picture of my
18 phone. It's the screenshot and it shows the rest, so I
19 don't have anything. I put it in the trash.

20 THE COURT: All right. I'm ordering to produce
21 them. If you tell me that you destroyed them, then
22 they're destroyed and if they want to make a motion for
23 spoliation, they can. I don't think it's going to go
24 anywhere but do what you're going to do but I am ordering
25 you to produce them. So if you're telling me on the

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1 record that you don't have them, I think we should put
2 them --

3 MR. ALEXANDER: I put them in the trash, your
4 Honor, so I can't -- I can't retrieve my trash and I find
5 them but I am not sure why that --

6 THE COURT: Look in your trash and see if you
7 still have them. If you do, turn them over.

8 MR. ALEXANDER: Okay.

9 THE COURT: If you don't, then let them know
10 that you destroyed them.

11 MR. ALEXANDER: Sure. Yeah, absolutely. It
12 doesn't mean anything. It doesn't (indiscernible),
13 right?

14 THE COURT: All right.

15 MR. ALEXANDER: I'll try to find them in the
16 trash, yeah.

17 THE COURT: All right. Well, they'll do what
18 they're going to do. So I think that's everything that's
19 discussed in the motion. Other than this stuff, what
20 else is left in discovery?

21 MR. FELSEN: From the last conference, your
22 Honor, you granted our motion to continue his deposition,
23 so we --

24 THE COURT: Okay.

25 MR. ALEXANDER: -- once we get all the

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1 information that we discussed today, we can depose him
2 again.

3 THE COURT: All right. So why don't we say 30
4 days to --

5 MR. ALEXANDER: Your Honor, with all respect, I
6 don't have seven hours to spend with those guys on
7 something I -- I can't spend that time anymore, seven
8 hours last time, he surprised me and he never told me
9 that and to answer the same question, I don't have time
10 to do that. I'm sorry.

11 MR. FELSEN: Your Honor, we didn't take seven
12 hours last time and we're not planning on taking --

13 MR. ALEXANDER: Yes, you did. You did. You
14 did take seven hours exactly.

15 THE COURT: Okay. Well, I don't think they're
16 asking for seven hours this time. I think there was a
17 limited deposition just to cover the stuff that wasn't
18 done correctly in the first one.

19 So why don't we say 30 days to produce the
20 additional documents and then you can schedule the
21 deposition and we'll go from there.

22 MR. FELSEN: Your Honor, just one more -- in
23 the second to last paragraph in my letter, I just -- I
24 referenced several responses where he just says he's got
25 no -- he doesn't have any related document to previous

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1 business and it just seems to me that he just kind of
2 said that without -- I don't know that he actually made
3 any effort to locate documents. So I just want to make
4 sure that he's actually properly stated that he doesn't
5 have documents and that he's just not repeating that
6 without actually conducting a search.

7 THE COURT: Did you look through any documents
8 and files that you have?

9 MR. ALEXANDER: Yes, sir. I don't have
10 anything to look for. I destroyed documents. I told him
11 that before in writing that I donate everything to the
12 church and the furniture and the office and we threw all
13 the document away. I have no expectation for -- to keep
14 any of those documents because they (indiscernible) and I
15 don't have -- no longer have the business, I do something
16 different.

17 So if I have any document, I give it to him
18 because I don't care. I have nothing done, gone. So I
19 -- I repeat that many times but I do ask you, your Honor,
20 please have him speak politely to me sometimes because
21 he's very irritating and he keeps saying a scam or a sham
22 and this is -- I refuse this very much.

23 THE COURT: Okay. Let's just be civil. Let's
24 try to get through this. So produce the additional
25 documents and --

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1 MR. ALEXANDER: Thank you.

2 THE COURT: -- you'll do your deposition --
3 let's reconvene for another telephone conference in a few
4 -- maybe after the holidays and hopefully at that point,
5 we'll see where things stand. Maybe January 22nd?

6 MR. ALEXANDER: Okay.

7 MR. FELSEN: That works.

8 MR. ALEXANDER: What time?

9 THE COURT: Morning or afternoon better?

10 MR. ALEXANDER: Afternoon, Judge.

11 MR. FELSEN: That's fine.

12 THE COURT: All right. Why don't we say 3
13 o'clock.

14 MR. ALEXANDER: Okay.

15 MR. FELSEN: Okay. Thank you, your Honor.

16 THE COURT: All right. Have a good day
17 everyone.

18 MR. FELSEN: Thank you.

19 THE COURT: Talk to you in January. Bye.

20 (Matter Concluded)

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C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 20th day of March 2021.


Linda Ferrara

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